IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 15264 of 2007(P)

PETITIONER:

C.S.SHAMMI, H.S.A. (ENGLISH),
ABRAHAM MEMORIAL HIGHER SECONDARY SCHOOL,
THIRUMALA, THIRUVANANTHAPURAM.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

1. GOVT. OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
THIRUVANNATHAPURAM.

3. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

4. ABRAHAM MEMORIAL HIGHER SECONDARY
SCHOOL, THIRUMALA, THIRUVANANTHAPURAM -
REPRESENTED BY ITS MANAGER.

5. C.S.BINDU, W/O. SURENDRAN,
VALLAYARANINNAVILA VEEDU, MULLOOR P.O.,
VIA. VIZHINJAM, THIRUVANANTHAPURAM.

6. DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.15264 of 2007

Dated this the 24th day of May, 2007

JUDGMENT

Grievance of the petitioner who is now working as a High School Assistant (English) in the school under the management of respondent no.4 is that her seniority as Rule 51A claimant under Chapter XIV A KER has been taken away by Ext.P7 order passed by respondent no.6. At the outset, it may be noticed that petitioner is entitled to challenge the above order before the revisional authority. Learned counsel fairly submits that he is prepared to do so. But his anxiety is that in the meanwhile the direction contained in Ext.P7 may be implemented.

2. Since the statutory authority can resolve the dispute relating to seniority between the petitioner and respondent no.5, I am satisfied that the said issue need not be dealt with in detail at this stage.

3. In view of the order that I propose to pass, I do not deem it necessary to issue notice either to respondent no.5 or to the Manager. In my view, interest of the parties, particularly

that of respondent no.5, can be adequately protected even without issuing notice to them at this stage.

4. As mentioned earlier, petitioner has got a case that she is a senior 51A claimant as compared to respondent no.5. It appears that in Ext.P4 order the District Educational Officer had approved the appointment of respondent no.5 for the period from November 16, 2004 to March 31, 2005 only on daily wage basis. This order was challenged by respondent no.5 before the Deputy Director, who in turn had reversed the order of the District Educational Officer as revealed from Ext.P7 order.

5. Petitioner contents that Ext.P7 order is per se illegal and vitiated. I am of the view that the petitioner has to necessarily avail of the statutory remedy. She has to approach the appropriate authority and get her grievance redressed. If the petitioner prefers a revision petition before the competent authority as provided under Rule 8A of Chapter XIV A KER within ten days from the date of receipt of a copy of this judgment, the said authority shall entertain the same and hear

and dispose it of in accordance with law as expeditiously as possible, at any rate, within three months from the date of receipt thereof. The authority concerned, the Director of Public Instruction, shall ensure that respondent no.5 and the Manager, apart from the petitioner are afforded sufficient opportunity to be heard before any decision is taken in the matter. Till such time, a final decision is so taken, operation and implementation of Ext.P7 shall be kept in abeyance. Petitioner shall send a copy of the writ petition and a photocopy of the judgment to both the manager as well as respondent no.5 by registered post for information within seven days from the date of receipt of a copy of this judgment. He shall also produce a certified copy of the judgment along with a copy of the writ petition before respondent no.1 for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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